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5 *Attorney for Defendant*
6 *One Nevada Credit Union*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JOSEPH J. SMITH,

Case No.: 2:16-cv-02156-GMN-NJK

10 Plaintiff,

11 vs.

12 ONE NEVADA CREDIT UNION,

13 Defendant.

14 **DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION**
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

15 ONE NEVADA CREDIT UNION (“Defendant” or “ONCU”), by and through its counsel
of record, hereby files Defendant’s Response to Plaintiff’s Motion for Final Approval of Class
Action Settlement (“Motion”).

16 1. ONCU agrees that the parties have reached a settlement that should be approved
17 by the Court.¹

21 ¹ Defendant concurs, for example, that a settlement was reached; that the settlement was non-
22 collusive and the by-product of arms’ length negotiations; that the parties disputed the strength of
23 plaintiff’s claims and whether the claims were suitable for class action treatment; that further
litigation would be extensive and complex and would cause the parties to incur significant risks
and expenses; that the amount offered will fairly and adequately compensate class members; that
this is a reasonable settlement; and, that certification of the settlement class is appropriate.

2. This Response (non-opposition) is being filed separately as opposed to a joint motion.

3. ONCU is filing a separate document as not to concede to every factual statement and/or allegation contained in the Plaintiff's Motion

In sum, the parties' settlement should be ultimately be approved.

DATED this 20th day of February, 2019.

SANTORO WHITMIRE

/s/ James E. Whitmire

JAMES E. WHITMIRE, ESQ.

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Attorney for Defendant One Nevada Credit Union

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that, on the 20th day of February, 2019 and pursuant to Fed. R.
3 Civ. P. 5(b), a true and correct copy of the foregoing **DEFENDANT'S RESPONSE TO**
4 **PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**
5 was electronically filed with the Clerk of the Court by using ECF service which provide copies
6 to all counsel of record registered to receive ECF notification in this case to wit:
7

8 Abbas Kazerounian, Esq.

9 *Pro Hac Vice*

10 Michael Kind, Esq.

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17 *Attorneys for Plaintiff Joseph J. Smith*

18
19 /s/ Asmeen Olila-Stoilov

20 An employee of SANTORO WHITMIRE